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PLAINTIFF

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

GLENN BROWN, an individual;

Plaintiff.

v.

UNITED STATES FOREST SERVICE,
HOLLY JEWKES, DESCHUTES NATIONAL
FOREST SUPERVISOR; UNITED STATES
FOREST SERVICE (USDA); OREGON
DEPARTMENT OF TRANSPORTATION,
GARY FARNSWORTH, ADMINISTRATOR
REGION 4; OREGON DEPARTMENT OF
TRANSPORTATION,

Defendants.

CASE NO. 6:20 cv 829 MK

PROPOSED ORDER GRANTING/DENYING
PLAINTIFF'S MOTION FOR ORDER TO
SHOW CAUSE

WHEREAS, this Matter having come before the Court on Plaintiff's Motion
for An Order to Show Cause;

WHEREAS, the Court having considered Plaintiff's Proposed Order to Show
Cause, Plaintiff's Memorandum In Support of Its Motion For an Order to Show
Cause and In Support of Temporary Restraining Order and Preliminary Injunction,

the Affidavit of Glenn Brown, Plaintiff, filed May 28, 2020;

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THEREFORE, the Court being fully informed finds the following:

1. Defendants have temporarily closed Highway 242 to motorized traffic at the East Gate west of Sisters, Oregon, thereby blocking Plaintiff's motorized vehicle access to Highway 242 and the public National Forest lands beyond the East Gate;
2. Defendants did not publish the required prior public notice, conduct a comment period nor publish a reviewable final order or decision;
3. Plaintiff has suffered and will continue to suffer irreparable harm to his recreational interests including __, __, __, __, __, unless and until Defendants are enjoined;
4. Defendants will suffer little or no harm if enjoined, and the balance of equities tips in favor of Plaintiff.;
5. It is in the public interest that the public that Defendants are enjoined and Plaintiff's right to access the National Forest lands are immediately restored.

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It is hereby ORDERED:

Defendants United States Forest Service, Oregon Department of Transportation, Holly Jewkes, Deschutes Forest Supervisor, and Gary Farnsworth, Oregon Department of Transportation Region 4 Administrator, and those acting in concert with them who have received actual notice of this ORDER are hereby temporarily and preliminarily enjoined, for the pendency of this Action, from blocking motorized vehicle access to State Highway 242 beyond the East Gate west of Sisters, except for weather-required or emergency closures, and unless Defendants have published prior notice of the proposed closure, conducted a comment period of no less than 60 days, and published a reviewable order or decision in accordance with 16 USC Sec. 7901 et seq, (The Dingell Act).

By agreement of the Parties and with approval of the Court no bond shall be required of Plaintiff.

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It is so ORDERED this ____ day of ____, 2020.

United States District Judge